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NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

In re: FLORA B. CADIZ,

Debtor,

FLORA B. CADIZ,

Appellant,

v.

THE BANK OF NEW YORK, Trustee, of
Amresco Residential Mortgage Securities
Corporation Mortgage Loan Trust 1997-3,

Appellee.

No. 04-15974

BAP No. HI-03-01322-KMoS

ORDER *

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel
Smith, Marlar, and Klein, Bankruptcy Judges, Presiding

Argued and Submitted June 16, 2006
Honolulu, Hawaii

Before: B. FLETCHER, PREGERSON, and HALL, Circuit Judges.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

We affirm the decision below to retroactively annul the automatic stay in Cadiz's Chapter 13 bankruptcy proceedings. The bankruptcy court had jurisdiction to reopen the proceedings and consider the motion to retroactively annul the stay because the court was not granting new relief, but rather was simply interpreting and effectuating its prior order. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 379-80 (1994); *see also In re Taylor*, 884 F.2d 478, 481 (9th Cir. 1989).

The bankruptcy court did not abuse its discretion in retroactively annulling the stay. *See In re Nat'l Envtl. Waste Corp.*, 129 F.3d 1052, 1055 (9th Cir. 1997). The Bank of New York did not know of Cadiz's bankruptcy filing at the time of the foreclosure hearing, and her multiple bankruptcy filings indicate inequitable conduct on her part. *Id.*

AFFIRMED.